

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ANGELO FERNANDEZ,

Defendant.

13-CR-20-02 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On July 30, 2014, following his conviction at a jury trial, defendant Angelo Fernandez was sentenced principally to a term of imprisonment of 325 months. Dkt. 166.

On April 23, 2024, Fernandez filed a letter claiming that he is eligible for a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline, which went into effect on November 1, 2023 and applies retroactively, and asking the Court to appoint counsel to assist him in moving for such a reduction. Dkt. 215.

The United States Probation Department, however, has issued a report concluding that Fernandez is not eligible for a sentence reduction. Dkt. 216. As the Probation Department explains, although Fernandez is eligible for a recalculation of the status points enhancement used in calculating his criminal history points, that recalculation would not change either Fernandez's criminal history category (III) or total offense level (38) as calculated at sentencing. The Sentencing Guidelines range applicable to Fernandez (292 to 365 months imprisonment) would remain the same, precluding Fernandez from relief under Amendment 821. *See id.* at 2-3.

The Court has considered the record and does not find any basis to disagree with the Probation Department's analysis. Accordingly, the Court denies Fernandez's motion for appointment of counsel to assist him in pursuing sentence reduction.

The Clerk of Court is requested to terminate the motion at Dkt. 215 and to mail a copy of this order to Fernandez at the below address:

Angelo Fernandez
68242-054
FCI Ray Brook
P.O. Box 1000
Raybrook, NY 12977

SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER
United States District Judge

Dated: May 8, 2024
New York, New York